

PHILLIP A. TALBERT
United States Attorney
KIMBERLY A. SANCHEZ
ARIN HEINZ
Assistant United States Attorneys
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RYAN MICHAEL VILLA,

Defendant.

CASE NO. 1:23-MJ-00133-EPG

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: November 16, 2023
TIME: 2:00 p.m.
COURT:

This case is set for a detention hearing on November 16, 2023. The parties agree and stipulate to schedule the preliminary hearing on December 22, 2023 at 2:00 p.m. before the duty magistrate. The parties desire time to explore the possibility of a pre-indictment resolution. In order to gather the necessary information, review it, and engage in fruitful discussions, the parties need the time requested.

If the case is continued, this Court should designate a new date for the preliminary hearing. *United States v. Lewis*, 611 F.3d 1172, 1176 (9th Cir. 2010) (noting any pretrial continuance must be “specifically limited in time”).

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant’s counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a detention hearing on November 16, 2023.
2. By this stipulation, defendant now moves to schedule the preliminary hearing on

1 **December 22, 2023, at 2:00 p.m.** and to exclude time between November 16, 2023, and December 22,
2 2023.

3 3. The parties agree and stipulate, and request that the Court find the following:

4 a) The parties are discussing and conducting further investigation into pre-
5 indictment matters, and need additional time to conclude.

6 b) Counsel for defendant desires additional time to consult with his client, conduct
7 further investigation, and further discuss charges with the government.

8 c) Counsel for defendant believes that failure to grant the above-requested
9 continuance would deny him the reasonable time necessary for effective preparation, taking into
10 account the exercise of due diligence.

11 d) The government does not object to the continuance.

12 e) Pursuant to F.R.Cr.P. 5.1(c) and (d), a preliminary hearing must be held “no later
13 than 14 days after initial appearance if the defendant is in custody,” unless the defendant
14 consents and there is a “showing of good cause”. Here, the defendant consents and there is good
15 cause as set forth herein.

16 f) Based on the above-stated findings, the ends of justice served by continuing the
17 case as requested outweigh the interest of the public and the defendant in an indictment or trial
18 within the original dates prescribed by the Speedy Trial Act.

19 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
20 et seq., within which an indictment must be filed and within which a trial must commence, the
21 time period of November 16, 2023 to December 22, 2023, inclusive, is deemed excludable
22 pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the
23 Court at defendant’s request on the basis of the Court’s finding that the ends of justice served by
24 taking such action outweigh the best interest of the public and the defendant in a speedy
25 indictment/trial.

26 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
27 Speedy Trial Act dictate that additional time periods are excludable from the period within which an
28 indictment must be filed and a trial must commence.

IT IS SO STIPULATED.

Dated: November 13, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ ARIN HEINZ
ARIN HEINZ
Assistant United States Attorney

Dated: November 13, 2023

/s/ DANIEL HARRELSON
DANIEL HARRELSON
Counsel for Defendant
RYAN MICHAEL VILLA

FINDINGS AND ORDER

This COURT HEREBY FINDS and ORDERS:

1) That there is good cause, pursuant to F.R.Cr.P. 5.1(c) and (d), to schedule the preliminary hearing in this matter for December 22, 2023, at 2:00 p.m. The defendant is ordered to appear.

2) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which an indictment must be filed and within which a trial must commence, the time period of November 16, 2023 to December 22, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy indictment/trial.

IT IS SO ORDERED.

Dated: November 14, 2023


UNITED STATES MAGISTRATE JUDGE